PRESERVED

App. F. IX-4

1939. (Courts)

File No. 42 of 39

Serial Nos. 1-4.

Previous References
Ch. 5-38 (49, 54, 55)

Letter References.
Ch. 42-39 (5, 7, 8)
" 19-40 (23, 27)
" 240-40 (1)
" 246-41 (1-4)
" 255-42 (1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Four only

PRESERVED

Part B for October 1939.

SUBJECT.

Representation of Mr. A.S. Govindarajulu Sundaram, Munsiff, on leave, praying for the grant of an arbitrary pension of Rs. 15/- per mensem

Sd/ 29 The Registrar, High Court, Bangalore.

No. P. 2362 Dt. 30.9.39.

States that the concessions asked for cannot be complied with.

WD 0418—GPB—22,500—29-8-36

Mirza Nazeer Ahmed
6/10/39

Representation of mr A.S. Govindarajulu Mudaliar

General and Revenue Secretariat. | File No. | of 19 . | [App. F. III-2

Serial No.

From. The Registrar, of High Court of Mysore,

Letter No. Petn. 901/38-39 dated 4th July 39

" Roc. 901/38-39 dated 13th July 39.

Forwarding a representation from mr A.S. Govindarajulu Mudaliar, Munsiff. (retd) requesting the grant of certain Concessions.

1) The concessions prayed for by mr A.S. Govindarajulu Mudaliar are three in number :—

(1) Grant of a pension of Rs. 150/- as a spl. case

(2) Counting the temporary Service of one year and three months put in by him as Asst. Prof. of Philosophy, Maharaja's College, Mysore, for pension.

(3) To give him the benefit of Art. 262 of M.S.R.

2) Re: (1) Orders have been passed to grant him such pension as he would be entitled to but without any reduction contemplated in Art 223 M.S.R and that no further Concession outside the rules can be granted.

3) Requests Nos. (2) and (3) may perhaps be worked up in the Protection Branch,

Secy R
18.7.39

NOTE—Contn. Sheet

V..

File No. of 19 .

General and Revenue Secretariat.

This file has been referred to the Protection branch for further action.

Action in respect of the following items mentioned in the representation of Mr Govindarajulu Mudaliar, has to be taken in the Courts section

(1) Counting the temporary service put in by the Officer in the University as qualifying for pension.

2) to give him the benefit of Art 262 of M.S.R.

Item (1) - Re. the temporary Service put in by the Officer in the University :

The marginally noted Education Collections relating to the appointment of Mr Govindarajulu Mudaliar as Asst professor of philosophy are placed below for reference.

Kind reference is invited to the Submission Note dt 6.8.1922 as also to the G.O. 15.8.1922 Sanctioning the appointment

Serial No.	
1.	Letter dt 24-7-27 from Mr A.S. Govindarajulu Mudaliar praying that Concession similar to those granted to Messrs K.H. Krishnaswamy and A. Anandarao may be extended to his case.
	Edn 5-22-1-8 etc Edn 2-23-8+13.
	Fly B.
	Fly C.

Serial No.

Flag A (Ex. 2-23-13)

of Mr Govindarajulu Mudaliar as Asst profsn temporarily for one year. On the Subsequent G.O. of 22.8.1923 the Services of this Officer were Continued "until further orders".

7) Confidential Collection No 39-23 relating to the appointment of Mr Govindarajulu Mudaliar among other Officers, as Special Magistrate Third Grade, is also put up for reference.

Flag D

(8) Kind reference is invited to para 2 of the Final Note of 16.10.1923 relating to the transfer of this Officer to the Judicial Dept from the University.

(9) The request of Mr Govindarajulu Mudaliar - Re. the Counting of the temporary Service put in by him in the University as Qualifying for pension is for orders.

Item (2) - Re. the benefit of Article 262 M.S.R.

(10) According to Art 262 of the M.S.R, a member of the Bar who is directly appointed to Judicial Dept and whose whole pensionable Service is passed in that department, will, if appointed at an age exceeding 25 years, be entitled to

NOTE-Contn. Sheet.

Serial No.

Nekkan as Service qualifying for Superannuation Pension (but not for any other class of pension) the number of Completed years by which his age at the time of his appointment has exceeded 25 years, subject to a minimum of certain number of years according to the post to which he is directly recruited.

11) In the present instance, it is submitted that ~~neither~~ the Officer was neither directly recruited to the Judicial Dept from the Bar nor has he been retired on Superannuation pension.

12) He has however cited the Case of Mr ~~Ramaiah~~ H. M. Krishnaswamy ~~Rao~~ who it is stated ~~then~~ was granted the Concessions Contemplated under Art 362 M.S.R. No reference could be traced in this behalf and Confidential Branch may be requested to look up the references if any in this subject. Yes. BXR 15-8-41 (18)

13) It is submitted that Mr Govindarajulu Mudaliar has since been granted Combined leave for 6 months and 25 days from 11-6-1939. HyE

14) The two requests of Mr Govindarajulu Mudaliar

Representation of Mr A.S. Govindarajan Retd

General and Revenue Secretariat. | Cts File No. 42 Sec. II of 1939 | [App. F. III-2

Serial No.

(5) Are for orders.

It is also for orders as to whether the University may be consulted re. the ~~temporary~~ nature of the temporary Service put in by the Officer in the University.

Yes - BXR 15-8-39

(16) Submitted for orders with References

(17) See Marginal remarks

BXR 15-8-39

C.R. 14/8

C. B. Will kindly put up references if any relating to the grant of Special conversion to Mr H.M. Krishnaswamy

C.R. 20/8

(18) It is put up herewith. In another connection this ref. is recently available (M.S.R. now)

20/8

(20) It is stated that the file relating to the grant of Conversion under Art 262 M.S.R. to Mr H.M. Krishnaswamy is not available now.

(21) A draft of a letter to the Regr. Mysore University is put up.

C.R. 18/8

(22) For perusal before issue

BXR 18-8-39

Law Secy)

23 Aug 1939 Issued

BXR 21-8

SECTT. DEPT. 1141 GOVT OF MYSORE

KCRE-Contr. Sheet.

b Representation of Mr A.S. Govindarajulu Mudaliar

Cts File No. 42 of 1939 | General and Revenue Secretariat.

Serial No.	
2.	
	Sus A
3	
	Hap P
	Hap O

To
The Registrar ~~High Court~~ Mysore University
P 1114 Dt 28.8.1939

Calls for particulars relating to the nature of the vacancy in which Mr Govindarajulu Mudaliar was acting as Asst. Professor of Philosophy

From
The Registrar ~~High Court~~ Mysore University
7183 Dt 12.9.1939

States that a memorial submitted by Mr A.S. Govindarajulu Mudaliar on a former occasion in which ~~he~~ on the same subject was not granted

25) Edn File 47-25-Sat 42 is placed below for reference

26) Kind reference is invited to paras 17-20 of notes in the Edn Collection referred to above as also to this Office letter Dt 8.10.1925 stating that the services rendered by Mr Govindarajulu Mudaliar as temporary Asst professor could not count for pension.

Representation of Mr. A.S. Govindarajulu Mudaliar.

General and Revenue Secretariat. | Cts File No. 42 of 1939 | [App. F. III-2

Serial No.

The Other prayer of Mr. Govindarajulu Mudaliar re- the grant of Concession Contemplated under Art. 262 M.S.R is for orders.

Case closed 1939

(27) One of the Concessions prayed for by Govindarajulu Mudaliar is that the temporary service of 1 year and 3 months as Asst Professor Philosophy may be treated as pensionable. It may be stated in this connection that in June 1925, Mr Govindaraj Mudaliar submitted a memorial for identical relief and the Govt ordered that his request could not be granted (See Govt File no: 47-25 placed below).

76j0

(28) The next Concession prayed for by him is that he may be given the benefit of Article 262 of the Mysore Service Regulations Article allows a member of the Bar directly recruited Munsiff or Second Class Magistrate to count as service qualifying for Superannuation pension, a maximum period of three years. In the present case, Mr. Govindaraj alu Mudaliar was not directly recruited from the Bar to the Judicial Service. It is also to be borne in mind the Concession is intended only for Superannuation pension and not for any other class of pension. It may also be observed that the

NOTE-Contn. Sheet.

Representation of Mr A. S. Govindaraja Mudaliar

File No. H2 1756 of 1939 — General and ~~Revenue~~ Secretariat.

Serial No.

Govindaraja Mudaliar seems to have ~~had~~ put in a Service of only a year or so Bar before he entered Service. (He passed his B.L. Exam in 1921 and joined Service in August 1922). It seems therefore that it is rather difficult to extend the benefit of Article 262 in his case.

(29) His last prayer for an arbitrary pension of Rs 150/- is for orders.

BKR 21.9.39

Law Secy

(30) The concession asked for by him does not seem to be permissible under the interpretation of Memorial required by Art. 223 M.S.R. has been waived

1st Member (Fin Secy) 22/9 BKR 22.9.39

(31) I agree with the Law Secy.

AD 26.9.39

CPA

BKR 26.9.39

(32) Rem 28/9/39

(33) Let with a draft

CPA 28/9

Law Secy 28.9.39 BKR

(35) draft appd by Secy. 28.9.39

OFFICE OF THE FIRST MEMBER OF COUNCIL SEP 26 1939 No 29 of

SECY. LAW DEPT. 2031 21 SEP. 1939 GOVT OF MYSORE

FINANCIAL SECRETARIAT U.O.No.Fi. 909 22 SEP. 1939 BANGALORE.

SECY. LAW DEPT. 2268 29 SEP. 1939 GOVT OF MYSORE

Representation of Mr. A. S. Govindaraja Mudaliar

1756/P

General and Revenue Secretariat. | C 5 File No. 42 of 1939 | [App. F. III-2

Serial No.	
4	To The Registrar High court. No P 2362 of 30.9.39 States that Govt consider that neither of the requests is admissible and the concessions asked for cannot be complied with
13	

Please see
CB 210-38-162
for previous reference

NOTE—Contn. Sheet

2015
P

The main file has been
filed separately with Diary No
1756 on 14.9.1939. [illegible]
If approved this may be
filed placed in the file. after
orders are passed therein.
3.9) Yes
BKR
25.9.39

Re submitted.

Reference is invited to
this office letter dy 30.9.1939
to the Registrar High Court
stating that the concessions asked
for by Mr Govindarajan Mudaliar
cannot be sanctioned.

It is for orders as to whether
any orders are necessary on the
present representation of Mr Govinda-
rajan Mudaliar

The question has already
been considered. No separate
orders on the petition seems necessary
No. 6.10 Law Secy)
BKR 2.10

SECY LAW DEPT
2363
GOVT

Resubmitted.

Thru this letter 8/ 30-9-1937

Stating that the summons could
be by the Governor-Penalties
Canvas &c Penalties.

It is for when or to whom
they refer. one summon or the
Manual replaces.

2015/P

C.B. papers have been seperated and placed in the linked file.

C.B. will kindly retain the papers placed in the linked file and return this to present Branch

CB linked file returned to main file returned.

5/10

5/10

CS 58. 1

H. Admin. (F) No. 5.

R.O.C. ~~Dis~~ No. Pers. 901/38-39
Cover 1.

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 3rd July 1939.

4

CS 210-38-

FROM

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

CHIEF SECRETARY. 4. JUL. 1939 GOVT. OF MYSORE.

Rajasevaprasakta
B.T. Kesaviengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

In continuation of my letter R.O.C.No.901/38-39, dated 26-6-39, I am directed to forward herewith a representation dated 1-7-39 addressed to the Government by Mr. A.S. Govindarajulu Mudaliar, Munsiff, First Grade, who was doing duty as Special Second Magistrate, Tumkur, and is now under orders of retirement praying that his temporary service in the Mysore University may be treated as qualifying for pension and that he may be granted a pension of Rs.150/- as a special case.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar
Registrar.

BCS

VJC

C 901
38-39 2

1 JUL 1939

From

A.S. Govindarajulu Mudaliar, Esq., M.A., B.L.,
Second Magistrate, Tumkur, (Retired),
No.57 Kankanhalli Road,
Basavangudi, Bangalore City.

To

The Chief Secretary, to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

Through

The Registrar,
High Court of Mysore,
Bangalore.

Dated 1st July 1939.

Dear Sir,

With reference to G.O.No.3850-51/C.B.210-38-2, dated 6-6-39, ordering my retirement forthwith I beg to bring to your kind notice that I did not expect that an order of the kind would be passed in my case and it took me by surprise at a stage in my official career when I was feeling able to serve many years more.

I am a man with a large family and I have to pay a monthly insurance premium of Rs.104/-. I have no assets but I owe Rs.1500/- a debt contracted to celebrate my sister's marriage. I need not say what a serious blow such a sudden retirement is for a man of my situation in life. Hence mine is a hard and pitiable case.

I beg to submit that I belong to a high family being one of the great grand sons of late Appavu Mudaliar one of the premier administrators of Mysore and my wife is the daughter of late lamented Rajakaryapravina Rao Bahadur Dr. T.V.Arumugam Mudaliar's brother late T.V. Thiruvengada Mudaliar personal assistant to late Sirdar Sir M. Kantha Raj Urs, Dewan of Mysore.

If

If the Government is not pleased to modify the order I pray:-

1. That my temporary but continuous service as - Assistant Professor of Philosophy Maharaja's College, Mysore, for one year and 3 months from 12-8-22 in the beginning of my service may be ordered to be treated as qualifying for pension as no one else had a lien on the post and it was borne on the establishment scale till 1930 and again recently revived and made permanent and that any shortage of service might be condoned and fraction of a year rounded up to the next higher figure.

2. That the pension which I may get (which may be about Rs.125/- if the above concessions are shown) may be increased to Rs.150/- as a special case in the circumstances under which I have been suddenly retired.

I pray that the Government may be pleased to view my case favourably for which I shall every remain greateful.

I have the honour to be,

Sir,

Your most obedient servant,

A.S. Govindaraju

CB 88 4

H. Admin. (F) No. 5.

R.O.C. No. 901
Dis. 38-39

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 12th July *193* 9.

CB 210-38

Enc. One. Enc

FROM

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

CHIEF SECRETARY
13 JUL 1939
GOVT. OF MYSORE.

Rajasevaprasakta
B.T. Kesaviengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

D 2107
CB 210-38-

SIR,

In continuation of my letter R.O.C.No.901/38-39, dated 3-7-39, I am directed to forward herewith a representation dated 10-7-39 addressed to the Government by Mr. A.S. Govindarajulu Mudaliar, Munsiff, First Grade, who was doing duty as Special Second Magistrate, Tumkur, and is now under orders of retirement, praying that he may be given either the benefit of Section 262, M.S.R., or an arbitrary pension of Rs. 150/-.

I have the honour to be,

Sir,

Your most obedient servant,

T Shamiengar
Registrar.

REGISTRAR
10. JUL. 1939

C 904
38 39

5

From

A.S. Govindarajulu Mudaliar, Esq., M.A., B.L.,
Second Magistrate, Tumkur (Retired)
57, Kankanhalli Road, Basvangudi, P.O.
Bangalore.

To

The Secretary to the Government of His
Highness the Maharaja of Mysore,
Law Department,
Bangalore

Dated 10th July 1939.

THROUGH the Registrar, High Court of Mysore.

Sir,

In continuation of my application dated 1-7-1939, I have the honour to submit that as I was a High Court Vakil, Madras, before I entered service. Had it not been for the temporary service for 1 year and 3 months as Assistant Professor, Maharaja's College, Mysore, and my premature retirement, I could have counted 3 years to my pensionable service under Art. 262, M.S.R. If that Section be extended to apply to my present case I would get Rs.150.

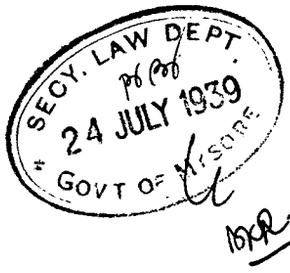
Under the specially hard circumstances of my case these points also may be kindly taken into consideration and I pray that either the benefit of Section 262, M.S.R. be kindly extended to my case or I may be given an arbitrary pension of Rs.150/-.

I have the honour to be,
Sir,
Your most obedient servant,
A.S. Govindarajulu

C542-39-1. 508/P 6

A.S.Govindarajulu,
Retd. II Magistrate,
Tumkur.

57, Kankanhalli Road,
Basavangudi,
Bangalore, 21st July '39



To

The Secretary to the
Government of Mysore,

Law Department,

BANGALORE.

25/7

Dear Sir,

I submit the case of Mr.H.M.Krishnaswami, B.A., B.L., as a precedent for the liberal interpretation and extension of Art.262, M.S.R., and the case of Mr.Ananda Rao, B.A., LL.B., for liberally fixing an arbitrary pension and I pray that my case too may be dealt with liberally in the same way.

Yours obediently,

A S Govindarajulu

No. P1114

CS 42-39-2

7

8-22-8-39

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

To

The Registrar

~~High Court~~ Mysore University

Sir,

I am directed to state that Mr. A. S. Govindarajulu Mudaliar, Munsiff, is under orders of retirement on the expiry of Combined leave for 4 months and 25 days granted to him from 11-6-1939 and he has in that connection represented to Govt that the temporary service put in by him in the Mysore University as temporary Asst Professor of Philosophy, Maharaja's College, may be treated as qualifying for pension.

I am accordingly to request that Govt may be furnished with the

WD 0565—GPB—22,500—8-11-38

8

particulars relating to the nature of the Vacancy in which the Officer was acting and the period during which he was holding the said post etc.

The favour of a very early reply is solicited

I have etc.

B.F.R

for Secy to Govt

Law Dept.

9

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 22nd August 1939.

No. P 1114 CS-42-39-2

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.
Law Department.

To

The Registrar,
University of Mysore, MYSORE.

Sir,

I am directed to state that Mr. A.S. Govindarajulu Mudaliar, Munsiff, is under orders of retirement on the expiry of combined leave for 4 months and 25 days granted to him from 11th June 1939 and he has in that connection represented to Government that the temporary service put in by him in the Mysore University as temporary Assistant Professor of Philosophy, Maharaja's College, may be treated as qualifying for pension.

I am accordingly to request that Government may be furnished with the particulars relating to the nature of the vacancy in which the officerwas acting and the period during which he was holding the said post etc.,

The favour of a very early reply is solicited.

I have the honor to be,

Sir,

Your most obedient servant,

BKR

For Secretary to Government
Law Department.

CBN

cn-2

1756/P 10
C5 42-39-3

Tel. Address: 'UNIREG.'
Telephone No. 277.

University of Mysore

GENL. & REV. SECRETARIAT. C5 13. SEP. 1939

No. 7183
Enc. —

Office of the University of Mysore,
Mysore, Dated 12th September 1939.

FROM

V. GOPALASWAMI AIENGAR, Esq., M.A.,
Registrar, University of Mysore,
Mysore.

To

Rajasevaprasakta
B.T.Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

CHIEF SECRETARY. 13. SEP. 1939 GOVT. OF MYSORE.

Sir,

With reference to your letter No.P.114/Cts. 42-39-2, dated the 22nd August 1939, regarding the nature of the vacancy in which Mr.A.S.Govindarajulu Mudaliar, Munsiff under orders of retirement, was acting as Assistant Professor of Philosophy in the University, I am directed to state as follows:-

1. He was first appointed Assistant Professor of Philosophy in the Maharaja's College, Mysore, on Rs.175 per mensem temporarily for one year with effect from the 12th August 1922 (vide G.O.No.E.1171-2/Edn.5-22-28, dated the 29th August 1922).

2. He was subsequently continued on the same basis until further orders. (G.O.No.E.583-4/Edn.2-23-13, dated the 22nd August 1923.)

3. In October 1923, he was appointed a Special Magistrate (Note No.1309/C.B.96-23-1, dated the 21st October 1923) and was relieved in the University on the forenoon of the 26th October 1923).

I am to add that in June 1925, Mr.Govindarajulu Mudaliar submitted a memorial to Government through the University praying that the period he served in the University might be treated as pensionable service and his request was not granted. (vide

P.T.O.

No.E.1654/Edn.47-25-42, dated the 8th October 1925.)

I have the honour to be,
Sir,
Your most obedient servant,

Registrar.

ss/12

No.P 2362
CS-42-39-4

29th September 1939.
30.

xxx

Law Department.

The Registrar,
High Court of Mysore,
Bangalore.

With reference to your letter No.Roc..etn.301/38-39 dated 4th July 1939 and 15th July 1939 forwarding the representations of Mr. A.S. Govindarajulu Mudaliar, Munsiff, on leave, praying that his temporary service in the Mysore University may be treated as qualifying for pension and that he may be given either the benefit of ~~Section~~ Article 262 Mysore Service Regulations or an arbitrary pension of Rs.150/- per mensem, I am directed to state that Government consider that neither of the requests is admissible and the concessions asked for cannot therefore be complied with.

I have the honor to be,

Sir,

Your most obedient servant,

BKR

For Secretary to Government
Law Department.

CM

CM-2

2015/P 15

From

A.S.Govindarajulu Mudaliar,
II Magistrate, Tumkur (Retired & on leave)
57, Kankanhalli Road,
Basavangudi, Bangalore.

To

The Secretary to the Government of
H.H. The Maharajah of Mysore,
Law Department, Bangalore.

Dear Sir,

Law Secretary
with compliments
BAR
22.9

In continuation of my applications dated 1-7-1939 and 10-7-1939 I beg to bring to your kind notice the following circumstances for your kind consideration and favourable orders.

In 1925 when I was Magistrate at Helenarsipur I made a representation to the Government praying that the period of one year and three months which I put in, in the University as Assistant Professor may kindly be treated as counting for pension. Under the then circumstances Government was not pleased to consider my request favourabl But in view of the special circumstances pointed out in my previous said applications and the great hardship that will be caused, to me and my large family as a result of my premature and sudden retirement, I pray that Government may be pleased to order that the above period may be counted towards my pension or at least the benefit of article 262 M.S.R. may be a little liberally interpreted and extended to apply to my case as my first permanent pensionable appointment would be that of a Munsiff. Otherwise if the benefit of both these concessions is denied to me it will cause me very great hardship.

I pray that in consideration of the specially har

circumstances of my case and the fact that if I could have had the benefit of these concessions I would have earned a pension of at least Rs. 150/- that amount may kindly be fixed as arbitrary pension.

My Insurance is the only provision I have made for my family. After deducting the insurance premium of Rs. 104/-, only that minimum sum can keep me and my large family above want.

I have the honor to be,
Sir,

20th Sept. 1939.

Your most obedient servant,

A. S. Govindarajulu